

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JERRY PINKS, individually and on behalf of
others similarly situated,

Plaintiff,

No: 13-cv-1730

NOTICE OF MOTION

- against -

M & T BANK CORP.,

Defendants.

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PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, dated May 17, 2013, the Affidavit of Steven Cooper, dated May 17, 2013, and upon all of the pleadings and proceedings heretofore had herein, Defendant M & T Bank Corporation ("M&T") will move this Court, before the Honorable Lewis A. Kaplan, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, as soon as counsel may be heard, for an Order, pursuant to Fed. R. Civ. P. 12(b)(6), to dismiss the Complaint of Jerry Pinks, individually and on behalf of others similarly situated, ("Plaintiff"), dated March 14, 2013, with prejudice, along with such other and further relief as the Court deems just and proper.

Pursuant to Local Civil Rule 6.1(b), any opposition shall be served within fourteen (14) days after service of the motion papers and any reply shall be served within seven (7) days after service of the opposition papers.

Dated: New York, New York
May 17, 2012

REED SMITH LLP

By: 

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